



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,309	03/07/2001	Raymond Severt Barsness	ROC920010075US1	2651

7590 06/03/2005

IBM Corporation
Intellectual Property Law, Dept. 917
3605 Highway 52 North
Rochester, MN 55901

EXAMINER

DUONG, THOMAS

ART UNIT	PAPER NUMBER
----------	--------------

2145

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,309

Applicant(s)

BARSNESS ET AL.

Examiner

Thomas Duong

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the applicants Amendment filed on January 4, 2005. Applicant amended *claims 1, 4, 8, 10, 13, and 16-18*. *Claims 1-23* are presented for further consideration and examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. *Claims 1-23* are rejected under 35 U.S.C. 102(e) as being anticipated by Skinner et al. (US006721740B1).

4. With regard to *claims 1 and 10*, Skinner discloses,

- *a subject*; (Skinner, col.8, lines 23-31; col.14, lines 21-31; module 307, fig.3)

Skinner teaches of an *"application server [that] maintains a set of objects containing data for the clients it serves"* (Skinner, col.14, lines 22-23).

- *an observer associated with the subject and adapted to generate configuration information; and* (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9,

lines 30-67; col.14, lines 32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20; module 300A, fig.3)

Skinner teaches of a client that includes the “... *client-side change management component, client-side object cache component, client-side update management ...*” (Skinner, col.14, lines 32-38). According to Skinner, “*interest for a set of data objects may be expressed either explicitly with a set of unique object identifiers, or the interest may be expressed in terms of interest criteria*” (Skinner, col.8, lines 557-59), and that “*a set of objects may be explicitly specified, such as by a set of object IDs, or by specifying attribute values or ranges for data objects to include in the set. LiveEditableSet extends LiveSet to support changes to the specified set*” (Skinner, lines 63-67). Hence, Skinner anticipates for the use of ‘user-defined’ attributes as registered interests to receive update notification of interested changes.

- *a transmission manager associated with the subject, the transmission manager adapted to receive the configuration information from the observer and to selectively communicate update information to the observer based on the configuration information.* (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9, lines 30-67; col.14, lines 32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20; module 300A, fig.3)

Skinner teaches of a client that includes the “... *client-side change management component, client-side object cache component, client-side update management ...*” (Skinner, col.14, lines 32-38). Skinner teaches of a “*client-side communication management component [that] provides the software mechanism by which objects and method calls are transmitted between the client and*

application server” (Skinner, col.16, lines 21-24), and a “client-side update management [that] provides the software mechanism by which updates are applied to data objects and other associated objects with in the respective client” (Skinner, col.16, lines 5-8).

5. With regard to claims 2-5, Skinner discloses,

- *wherein the configuration information includes a desired type indication (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9, lines 30-67; col.14, lines 32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20; module 300A, fig.3)*
- *wherein the transmission manager selectively discards the update information in response to the desired type indication. (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9, lines 30-67; col.14, lines 32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20; module 300A, fig.3)*

6. With regard to claims 6-8, Skinner discloses,

- *wherein the transmission manager is an aspect associated with the subject. (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9, lines 30-67; col.14, lines 32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20; module 300A, fig.3)*
- *wherein the transmission manager selectively discards the update information in response to the desired type indication. (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9, lines 30-67; col.14, lines 32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20; module 300A, fig.3)*

Art Unit: 2145

- *wherein the transmission manager selectively modifies the update information in response to the configuration information.* (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9, lines 30-67; col.14, lines 32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20; module 300A, fig.3)
7. With regard to claim 9, Skinner discloses,
- *further comprising:*
 - *a first processor;*
 - *a first memory coupled to the first processor, wherein the subject and the transmission manager reside within the first memory;*
 - *a second processor; and*
 - *a second memory coupled to the second processor, wherein the observer resides within the second memory.* (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9, lines 30-67; col.14, lines 32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20; module 300A, fig.3)
8. With regard to claims 11-12, Skinner discloses,
- *wherein the subject comprises a network management software program, and wherein the observer code segment comprises a graphical user interface.* (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9, lines 30-67; col.14, lines 32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20; module 300A, fig.3)
 - *wherein the subject, the observer, and the aspect comprise objects.* (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9, lines 30-67; col.14, lines

Art Unit: 2145

32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20;
module 300A, fig.3)

9. With regard to claims 13, 19 and 23, Skinner discloses,

- *communicating configuration information from the observer to an aspect, the configuration information comprising an attribute of the observer; (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9, lines 30-67; col.14, lines 32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20; module 300A, fig.3)*

Skinner teaches of a client that is capable of registering with the interest registry of the application server so that it may receive interested updates.

- *notifying the aspect of an update; (Skinner, col.9, line 14 – col.10, line 23; fig.4; fig.7)*

Skinner teaches of a step where, upon receiving an update notification, the interest registry is searched for interested clients and then update notifications are sent to those clients that are interested in the change.

- *interrogating the update to generate to generate update information; and selectively communicating the update to the observer based on a comparison between the update information and the configuration information. (Skinner, col.9, line 14 – col.10, line 23; fig.4; fig.7)*

Skinner teaches of a step where, upon receiving an update notification, the interest registry is searched for interested clients and then update notifications are sent to those clients that are interested in the change.

10. With regard to claims 14-18 and 20-22, Skinner discloses,

- *further comprising selectively modifying the update based on a comparison between the update information and the configuration information. (Skinner, col.9, line 14 – col.10, line 23; fig.4; fig.7)*

Skinner teaches of a step where, upon receiving an update notification, the interest registry is searched for interested clients and then update notifications are sent to those clients that are interested in the change.

- *further comprising accumulating the update information based on a comparison between the update information and the configuration information. (Skinner, col.9, line 14 – col.10, line 23; fig.4; fig.7)*

Skinner teaches of a step where, upon receiving an update notification, the interest registry is searched for interested clients and then update notifications are sent to those clients that are interested in the change.

Response to Arguments

8. Applicant's arguments with respect to *claims 1, 10, 13, 19, and 23* have been considered but they are not persuasive.

9. With regard to claims 1, 10, 13, 19, and 23, the Applicants point out that:

- *Unlike the present invention, the interest criteria in Skinner is limited to assembling conditions on the attributes of the data object. The present invention, in contrast, allows the observer to implement and register criteria based on the attributes of the observer. See Claim 1 ("an observer associated with the subject*

and adapted to generate configuration information, the configuration information comprising an attribute of the observer”);

However, the Examiner finds that the Applicants' arguments are not persuasive and maintains that Skinner discloses,

- *a subject; (Skinner, col.8, lines 23-31; col.14, lines 21-31; module 307, fig.3)*

Skinner teaches of an “application server [that] maintains a set of objects containing data for the clients it serves” (Skinner, col.14, lines 22-23).

- *an observer associated with the subject and adapted to generate configuration information; and (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9, lines 30-67; col.14, lines 32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20; module 300A, fig.3)*

Skinner teaches of a client that includes the “... client-side change management component, client-side object cache component, client-side update management ...” (Skinner, col.14, lines 32-38). According to Skinner, “interest for a set of data objects may be expressed either explicitly with a set of unique object identifiers, or the interest may be expressed in terms of interest criteria” (Skinner, col.8, lines 557-59), and that “a set of objects may be explicitly specified, such as by a set of object IDs, or by specifying attribute values or ranges for data objects to include in the set. LiveEditableSet extends LiveSet to support changes to the specified set” (Skinner, lines 63-67). Hence, Skinner anticipates for the use of ‘user-defined’ attributes as registered interests to receive update notification of interested changes.

- *a transmission manager associated with the subject, the transmission manager adapted to receive the configuration information from the observer and to*

selectively communicate update information to the observer based on the configuration information. (Skinner, col.2, line 66 – col.3, line 23; col.8, lines 59-67; col.9, lines 30-67; col.14, lines 32-38; col.14, line 50 – col.15, line 27; col.15, lines 40-48; col.16, lines 5-20; module 300A, fig.3)

Skinner teaches of a client that includes the “... *client-side change management component, client-side object cache component, client-side update management ...*” (Skinner, col.14, lines 32-38). Skinner teaches of a “*client-side communication management component [that] provides the software mechanism by which objects and method calls are transmitted between the client and application server*” (Skinner, col.16, lines 21-24), and a “*client-side update management [that] provides the software mechanism by which updates are applied to data objects and other associated objects with in the respective client*” (Skinner, col.16, lines 5-8). Therefore, the Applicants still failed to clearly disclose the novelty of the invention and identify specific limitation, which would define patentable distinction over prior art.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

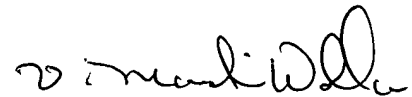
Art Unit: 2145

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571/272-6159. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Thomas Duong (AU2145)

May 26, 2005



VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER